

# Kentucky Revised Statutes

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## KRS Chapter 121

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**121.005 Legislative findings on electronic storage and retrieval of campaign finance information.**

- (1) The General Assembly finds and declares that:
  - (a) The intent of disclosure of campaign finance information is to make that information about the role of money in politics accessible to the public;
  - (b) The volume of campaign finance reports submitted each year to the state renders it virtually impossible, without the help of computer technology, to derive meaningful conclusions from the records;
  - (c) Computer automation is a necessary and effective means of transmitting, organizing, storing, and retrieving vast amounts of data submitted by candidates in election campaigns; and
  - (d) Although candidates are currently permitted to file campaign finance reports electronically if they so choose, very few candidates have chosen to do so, and therefore access to campaign finance data through electronic or on-line technology is limited.
- (2) The General Assembly enacts this legislation to accomplish the following:
  - (a) To improve the existing system of electronic reporting and extend its usage to more candidates;
  - (b) To allow concerned persons easy, convenient, and timely access to campaign finance reports submitted to the state;
  - (c) To ease the burden on candidates and committees of tabulating, filing, and maintaining public records of financial activity;
  - (d) To strengthen both the disclosure and enforcement capabilities of the Registry of Election Finance;
  - (e) To cooperate in the standardization of reporting formats among states so that interstate as well as intrastate sources of political money can be known;
  - (f) To provide for a fully informed electorate; and
  - (g) To help restore public trust in the governmental and electoral institutions of this state.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 398, sec. 1, effective July 14, 2000.

**121.015 Definitions for chapter.**

As used in this chapter:

- (1) “Registry” means the Kentucky Registry of Election Finance;
- (2) “Election” means any primary, runoff primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or

- unopposed in an election. Each primary, runoff primary, regular, or special election shall be considered a separate election;
- (3) "Committee" includes the following:
- (a) "Campaign committee," which means one (1) or more persons who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office, but does not include an entity established solely by a candidate which is managed solely by a candidate and a campaign treasurer and whose name is generic in nature, such as "Friends of (the candidate)," and does not reflect that other persons have structured themselves as a committee, designated officers of the committee, and assigned responsibilities and duties to each officer with the purpose of managing a campaign to support or oppose a candidate in an election;
  - (b) "Political issues committee," which means three (3) or more persons joining together to advocate or oppose a constitutional amendment or public question which appears on the ballot if that committee receives or expends money in excess of one thousand dollars (\$1,000);
  - (c) "Permanent committee," which means a group of individuals, including an association, committee or organization, other than a campaign committee, political issues committee, inaugural committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose expressly advocating the election or defeat of one (1) or more clearly identified candidates, slates of candidates, or political parties, which functions on a regular basis throughout the year;
  - (d) An executive committee of a political party; and
  - (e) "Inaugural committee," which means one (1) or more persons who receive contributions and make expenditures in support of inauguration activities for any candidate or slate of candidates elected to any state, county, city, or district office;
- (4) "Contributing organization" means a group which merely contributes to candidates, campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself. However, any contributions made by the groups in excess of one hundred dollars (\$100) shall be reported to the registry;
- (5) "Testimonial affair" means an affair held in honor of a person who holds or who is or was a candidate for nomination or election to a political office in this state designed to raise funds for any purpose not charitable, religious, or educational;
- (6) "Contribution" means any:
- (a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a candidate, his agent, a slate of candidates, its authorized agent, a committee, or contributing organization. As used in this subsection, "loan" shall include a guarantee, endorsement, or other form

- of security where the risk of nonpayment rests with the surety, guarantor, or endorser, as well as with a committee, contributing organization, candidate, slate of candidates, or other primary obligor. No person shall become liable as surety, endorser, or guarantor for any sum in any one (1) election which, when combined with all other contributions the individual makes to a candidate, his agent, a slate of candidates, its agent, a committee, or a contributing organization, exceeds the contribution limits provided in KRS 121A.050 or KRS 121.150;
- (b) Payment by any person other than the candidate, his authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or a contributing organization, of compensation for the personal services of another person which are rendered to a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
  - (c) Goods, advertising, or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1)^election which are furnished to a candidate, slate of candidates, committee, or contributing organization or for inauguration activities without charge, or at a rate which is less than the rate normally charged for the goods or services; or
  - (d) Payment by any person other than a candidate, his authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or contributing organization for any goods or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are utilized by a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
- (7) Notwithstanding the foregoing meanings of “contribution,” the word shall not be construed to include:
- (a) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, committee, or contributing organization;
  - (b) A loan of money by any financial institution doing business in Kentucky made in accordance with applicable banking laws and regulations and in the ordinary course of business; or
  - (c) An independent expenditure by any individual or permanent committee;
- (8) “Candidate” means any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination or election to public office, except federal office;
- (9) “Slate of candidates” means any two (2) persons who have filed a joint notification and declaration pursuant to KRS 118.127, received contributions or made expenditures, appointed a campaign treasurer, designated a campaign depository, or given their consent for any other person to receive contributions or make expenditures with a view to bringing about their nomination for election to the offices of Governor and Lieutenant Governor. Unless the context requires otherwise, any provision of law that applies to a candidate shall also apply to a slate of candidates;

- (10) “Knowingly” means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists;
- (11) “Fundraiser” means an individual who directly solicits and secures contributions on behalf of a candidate or slate of candidates for a statewide-elected state office or an office in a jurisdiction with a population in excess of two hundred thousand (200,000) residents;
- (12) “Independent expenditure” means the expenditure of money or other things of value for a communication which expressly advocates the election or defeat of a clearly identified candidate or slate of candidates, and which is made without any coordination, consultation, or cooperation with any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them, and which is not made in concert with, or at the request or suggestion of any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them;
- (13) “Electronic reporting” means the use of technology, having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an individual or other entity submits, compiles, or transmits campaign finance reports to the registry, or by which the registry receives, stores, analyzes, or discloses the reports;
- (14) “Security procedure” means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures;
- (15) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;
- (16) “Filer” means any candidate, committee, or other individual or entity required to submit financial disclosure reports to the registry; and
- (17) “Filer-side software” means software provided to or used by the filer that enables transmittal of financial reports to the registry.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 398, sec. 2, effective July 14, 2000. — Amended 1996 Ky. Acts ch. 153, sec. 4, effective July 15, 1996; and ch. 179, sec. 1, effective July 15, 1996. — Amended 1994 Ky. Acts ch. 458, sec. 1, effective July 15, 1994. — Amended 1992 Ky. Acts ch. 288, sec. 15, effective July 14, 1992. — Amended 1986 Ky. Acts ch. 100, sec. 1, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 1, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, sec. 178.

**121.025 Corporate contributions to candidates prohibited.**

No corporation authorized to do business in this state or in another state, and no officer or agent of a corporation on its behalf, shall contribute, either directly or indirectly, any money, service, or other thing of value towards the nomination or election of any state, county, city, or district officer in this state, or pay, promise, loan, or become liable in any way for any money or other valuable thing on behalf of any candidate for office at any election, primary or nominating convention held in this state. No attorney or other person shall accept employment and compensation from a corporation with the understanding or agreement, either direct or implied, that he will contribute to any such candidate, or on his behalf, any part or all of such compensation, towards the nomination or election of such candidate.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 458, sec. 2, effective July 15, 1994. — Amended 1984 Ky. Acts ch. 111, sec. 66, effective July 13, 1984. — Created 1974 Ky. Acts ch. 130, sec. 179.

**121.035 Corporate contributions to aid candidates for public office prohibited — Aid to support a constitutional amendment or a public issue permitted.**

- (1) No corporation organized or authorized to do business in this state or in another state shall, by itself or by or through an officer, agent, attorney, or employee, subscribe, give, procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured, or furnished, any money, privilege, favor, or other thing of value to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for the purpose of aiding, assisting, or advancing any candidate for public office in this state in any way whatever.
- (2) No officer, agent, attorney, or employee of any corporation organized or authorized to do business in this state or in another state, or person acting for or representing any such corporation, shall disburse, distribute, pay out, or in any way handle any money, funds, or other thing of value that belongs to or has been or is being furnished by any such corporation or any officer, agent, attorney, or employee thereof to be used or employed in any way for the purpose of aiding, assisting, or advancing any candidate for public office in this state in any way whatever.
- (3) Nothing in this section shall be construed to prohibit a corporation from making contributions in support of a constitutional amendment, a public question which appears on the ballot, or position on an issue of public importance. Nothing in this chapter shall be construed to prohibit a not-for-profit corporation, which does not derive a substantial portion of its revenue from for-profit corporations, from making independent expenditures.



**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 153, sec. 5, effective July 15, 1996. — Amended 1994 Ky. Acts ch. 458, sec. 3, effective July 15, 1994. — Amended 1980 Ky. Acts ch. 292, sec. 2, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, sec. 179.

**121.045 Contributions to certain candidates or slates of candidates by individuals prohibited.**

No person and no agent of any person on his behalf, shall contribute, either directly or indirectly, any money, service, or other thing of value towards the nomination or election of any state, county, city, or district officer who, in his official capacity, is required by law to perform any duties peculiar to the person not common to the general public, or to supervise, regulate, or control in any manner the affairs of the person, or to perform any duty in assessing the property of the person for taxation. No person, and no agent of any person on his behalf, shall pay, promise, loan, or become liable in any way for any money or other valuable thing on behalf of any candidate or slate of candidates for any office at any election, primary, or nominating convention held in this state. No attorney or other person shall accept employment and compensation from any person with the understanding or agreement, either direct or implied, that he will contribute to any candidate or slate of candidates for any office, or on his behalf, any part or all of his compensation, towards the nomination or election of any candidate or slate of candidates.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 288, sec. 23, effective July 14, 1992. — Amended 1984 Ky. Acts ch. 111, sec. 67, effective July 13, 1984. — Created 1974 Ky. Acts ch. 130, sec. 181.

**121.055 Candidates prohibited from making expenditure, loan, promise, agreement or contract as to action when elected, in consideration for vote.**

No candidate for nomination or election to any state, county, city or district office shall expend, pay, promise, loan or become liable in any way for money or other thing of value, either directly or indirectly, to any person in consideration of the vote or financial or moral support of that person. No such candidate shall promise, agree or make a contract with any person to vote for or support any particular individual, thing or measure, in consideration for the vote or the financial or moral support of that person in any election, primary or nominating convention, and no person shall require that any candidate make such a promise, agreement or contract.

**Effective:** July 13, 1984

**History:** Amended 1984 Ky. Acts ch. 111, sec. 68, effective July 13, 1984. — Amended 1980 Ky. Acts ch. 292, sec. 3, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, sec. 182.

**121.056 Restrictions upon specified campaign contributors.**

- (1) No person who contributes more than the maximum legal contribution established by KRS 121A.050 in any one (1) election to a slate of candidates for Governor and Lieutenant Governor that is elected to office shall hold any appointive state office or position, which shall be made by gubernatorial appointment, during the term of office following the campaign in which the contribution shall be made.
- (2) No person who has contributed more than the maximum legal contribution established by KRS 121A.050 in any one (1) election to a slate of candidates for Governor and Lieutenant Governor that is elected to office or any entity in which such a person has a substantial interest shall have any contract with the Commonwealth of Kentucky during the term of office following the campaign in which the contributions shall be made unless the contract shall be attained by competitive bidding and the person or entity shall have the lowest and best bid.
  - (a) “Substantial interest” means the person making the contribution owns or controls ten percent (10%) or more of an entity or a member of the person’s immediate family owns or controls ten percent (10%) of the entity or the person and his immediate family together own or control ten percent (10%) or more of the entity.
  - (b) “Immediate family” means the spouse of the person, the parent of the person or spouse, or the child of the person or spouse.
- (3) No person shall give or conspire to contribute money or property to any other person for the purpose of making a campaign contribution, in violation of this section. The restrictions established by subsections (1) and (2) of this section to a person who shall contribute in excess of the maximum legal contribution established by KRS 121A.050 in any one (1) election as provided by those subsections, shall apply to a person who makes a total contribution in excess of the maximum legal contribution established by KRS 121A.050 in any one (1) election to a slate of candidates for Governor and Lieutenant Governor that is elected to office as provided by this subsection.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 288, sec. 24, effective July 14, 1992. — Created 1988 Ky. Acts ch. 118, sec. 1, effective 1991.



**121.065 Limitation of political advertising rates — Injunction.**

- (1) No publisher of newspapers, magazines, handbills, or other printed matter, owner or lessor of billboards, radio or television station or network, or any other person, company, corporation, or organization offering its communications services for hire to the public shall be permitted to charge fees for political advertising in excess of the lowest rate charged to other advertisers at the time the political advertising is purchased.
- (2) Political advertising means any communication intended to support or defeat a candidate for public office.
- (3) An action to enjoin violations of this section shall be in the Circuit Court of the county where the complaining candidate resides.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 458, sec. 4, effective July 15, 1994. — Created 1974 Ky. Acts ch. 130, sec. 183.

**121.110 Registry of Election Finance — Membership — Terms — Meetings — Compensation.**

- (1) There is hereby created as an independent agency of state government a Kentucky Registry of Election Finance. The registry shall be composed of seven (7) members appointed as provided herein. The registry shall remain independent of any other agency or department of state government. Members shall be at least twenty-five (25) years of age, registered voters in Kentucky, not announced candidates for public office, not officers of a political party's state central executive committee, shall not have been convicted of an election offense, and shall be persons of high ethical standards who have an active interest in promoting fair elections. Appointees shall be subject to Senate confirmation at the next regular session of the General Assembly following appointment, or at the next special session if included in the Governor's call. Appointees shall have full power to serve until any vote of nonconfirmation.
- (2) Members of the registry shall be selected as follows:
  - (a) One (1) member shall be appointed by the Governor from a list of three (3) nominees submitted by the state central committee of the political party polling the largest vote at the last gubernatorial election.
  - (b) One (1) member shall be appointed by the Governor from a list of three (3) nominees submitted by the state central committee of the political party polling the second largest vote at the last gubernatorial election. The members appointed pursuant to subsections (a) and (b) of this section shall take office on August 15, 1990, for a term of one (1) year and their successors shall serve a term of four (4) years beginning August 15, 1991, or until their successors are appointed and qualified.

- (c) Two (2) other members shall be appointed by the Governor. Before making these appointments, the Governor shall solicit nominations from at least two (2) organizations which have demonstrated a nonpartisan interest in fair elections and informed voting. The Governor's solicitations and the replies shall be public records. The Governor shall give due consideration to such nominations. The two (2) members appointed pursuant to this subsection shall be one (1) from each of the two (2) political parties which polled the greatest number of votes at the last gubernatorial election. Members appointed pursuant to this subsection shall take office on August 15, 1988, for a term of four (4) years or until their successors are appointed and qualified and their successors shall serve a term of four (4) years.
- (d) One (1) member shall be appointed by the Auditor of Public Accounts after soliciting nominations as provided by subsection (c) of this section. The appointee shall be a member of one (1) of the two (2) political parties which polled the greatest number of votes at the last gubernatorial election. The member appointed pursuant to this subsection shall take office on August 15, 1997, for a term of four (4) years or until his successor is appointed and qualified and his successors shall serve a term of four (4) years.
- (e) One (1) member shall be appointed by the Attorney General after soliciting nominations as provided by subsection (c) of this section. The appointee shall not be a member of the same political party as the person appointed by the Auditor of Public Accounts pursuant to subsection (d) of this section. The member appointed pursuant to this subsection shall take office on August 15, 1990, for a term of four (4) years or until his successor is appointed and qualified and his successors shall serve a term of four (4) years.
- (f) One (1) member shall be appointed by the Secretary of State after soliciting nominations as provided by subsection (c) of this section. The Secretary of State's appointment shall be without regard to political affiliation. The member appointed pursuant to this subsection shall take office on August 15, 1990, for a term of three (3) years or until his successor is appointed and qualified and his successors shall serve a term of four (4) years.
- (3) The members of the registry shall select a chairman from among the appointed membership, effective August 15, 1990. The chairman shall serve in that capacity for one (1) year and shall be eligible for reelection. The chairman shall preside at all meetings and shall have all the powers and privileges of the other members.
- (4) In the event of a vacancy in the office of any member, the vacancy shall be filled in the same manner as the vacating member's office was filled pursuant to subsection (2) of this section.
- (5) The registry shall fix the place and time of its regular meetings by order duly recorded in its minutes. No action shall be taken without a quorum present.

Special meetings shall be called by the chairman on his own initiative or on the written request of three (3) members. Members shall receive seven (7) days' written notice of a special meeting and the notice shall specify the purpose, time and place of the meeting, and no other matters may be considered, without a specific waiver by all the members.

- (6) The members of the registry shall receive sixty-five dollars (\$65) per diem, and shall be reimbursed for all reasonable and necessary expenses.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 458, sec. 5, effective July 15, 1994. — Amended 1988 Ky. Acts ch. 341, sec. 40, effective July 15, 1988. — Amended 1978 Ky. Acts ch. 154, sec. 5, effective June 17, 1978. — Created 1974 Ky. Acts ch. 130, sec. 185.

**121.120 Duties and powers of registry — Appointment of certain employees — Electronic reporting system.**

- (1) The registry may:
  - (a) Require by special or general orders, any person to submit, under oath, any written reports and answers to questions as the registry may prescribe;
  - (b) Administer oaths or affirmations;
  - (c) Require by subpoena, signed by the chairman, the attendance and testimony of witnesses and the production of all documentary evidence, excluding individual and business income tax records, relating to the execution of its duties;
  - (d) In any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the registry and has the power to administer oaths and, in those instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (c);
  - (e) Initiate, through civil actions for injunctive, declaratory, or other appropriate relief, defend, or appeal any civil action in the name of the registry to enforce the provisions of this chapter through its legal counsel;
  - (f) Render advisory opinions under KRS 121.135;
  - (g) Promulgate administrative regulations necessary to carry out the provisions of this chapter;
  - (h) Conduct investigations and hearings expeditiously, to encourage voluntary compliance, and report apparent campaign finance law violations to the appropriate law enforcement authorities;
  - (i) Petition any court of competent jurisdiction to issue an order requiring compliance with an order or subpoena issued by the registry. Any failure to obey the order of the court may be punished by the court as contempt; and
  - (j) Conduct random audits of receipts and expenditures of committees which have filed registration papers with the registry pursuant to KRS 121.170.

- (2) No person shall be subject to civil liability to any person other than the registry or the Commonwealth for disclosing information at the request of the registry.
- (3) The registry may appoint a full-time executive director, legal counsel, and an accountant for auditing purposes, all of whom shall serve at the pleasure of the registry. The registry may also appoint such other employees as are necessary to carry out the purposes of this chapter. All requests for personnel appointments shall be forwarded by the registry directly to the secretary of the Personnel Cabinet and shall be subject to his review and certification only.
- (4) The registry shall adopt official forms and perform other duties necessary to implement the provisions of this chapter and KRS Chapter 121A. The registry shall not require the listing of a person's Social Security number on any form developed by the registry. Without limiting the generality of the foregoing, the registry shall:
  - (a) Develop prescribed forms for the making of the required reports;
  - (b) Prepare and publish a manual for all candidates, slates of candidates, and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting, requirements as to reporting dates, and the length of time that candidates, slates of candidates, and committees are required to keep any records pursuant to the provisions of this chapter and KRS Chapter 121A;
  - (c) Develop a filing, coding, and cross-indexing system;
  - (d) Make each report filed available for public inspection and copying during regular office hours at the expense of any person requesting copies of them;
  - (e) Preserve all reports for at least six (6) years from the date of receipt. Duly certified reports shall be admissible as evidence in any court in the Commonwealth;
  - (f) Prepare and make available for public inspection a summary of all reports grouped according to candidates, slates of candidates, committees, contributing organizations, parties, and exploratory committees as defined in KRS 121A.010(9)(e) containing the total receipts and expenditures; and
    - 1. For each contribution made by a permanent committee of any amount to a candidate, slate of candidates, or exploratory committee, the date, name, and business address of the permanent committee, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
    - 2. For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, to a campaign committee for a candidate or slate of candidates for a statewide-elected state office, or to an exploratory committee, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor, listed alphabetically; and

3. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee other than those specified in subparagraph 2., the date, name, address, occupation, and employer of each other contributor or, if the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor, listed alphabetically;
  - (g) Prepare and publish an annual report with cumulative compilations named in paragraph (f) of this subsection;
  - (h) Distribute upon request, for a nominal fee, copies of all summaries and reports;
  - (i) Determine whether the required reports have been filed and if so, whether they conform with the requirements of this chapter and KRS Chapter 121A; give notice to delinquents to correct or explain defections; issue an order, if appropriate, as provided in KRS 121.140; and make public the fact that a violation has occurred and the nature thereof;
  - (j) Conduct random audits of receipts and expenditures of candidates running for city, county, urban-county government, charter county government, and district offices. When the registry audits the records of any selected candidate, it shall also audit the records of all other candidates running for the same office in the selected city, county, urban-county government, charter county government, or district office;
  - (k) Conduct audits of receipts and expenditures of all candidates or slates of candidates running for statewide office;
  - (l) Require that candidates and slates of candidates shall maintain their records for a period of six (6) years from the date of the regular election in their respective political races;
  - (m) Initiate investigations and make investigations with respect to reports upon complaint by any person and initiate proceedings on its own motion;
  - (n) Forward to the Attorney General or the appropriate Commonwealth's or county attorney any violations of this chapter and KRS Chapter 121A which may become the subject of civil or criminal prosecution; and
  - (o) Direct and administer the provisions of KRS Chapter 121A.
- (5) All policy and enforcement decisions concerning the regulation of campaign finance shall be the ultimate responsibility of the registry. No appointed or elected state officeholder or any other person shall, directly or indirectly, attempt to secure or create privileges, exemptions, or advantages for himself or others in derogation of the public interest at large in a manner that seeks to leave any registry member or employee charged with the enforcement of the campaign finance laws no alternative but to comply with the wishes of the officeholder or person. Registry members and employees shall be free of obligation or the appearance of obligation to any interest other than the fair and efficient enforcement of the campaign finance laws and administrative regulations. It shall not be considered a violation of this subsection for an officeholder or other person to seek remedies in a court of law to any policy or enforcement decision he considers to be an abridgement of his legal rights.

- (6) If adequate and appropriate agency funds are available, the registry shall:
- (a) Develop or acquire a system for electronic reporting for use by individuals and entities required to file campaign finance reports with the registry under this chapter or KRS Chapter 121A. The registry shall promulgate administrative regulations under KRS Chapter 13A which provide for a nonproprietary standardized format or formats, using industry standards, for the transmission of data required under this chapter or KRS Chapter 121A;
  - (b) Accept test files from software vendors and persons wishing to file reports electronically for the purpose of determining whether the file format complies with the nonproprietary standardized format developed under paragraph (a) of this subsection and is compatible with the registry's system for receiving the data;
  - (c) Make all paper or electronic reports filed with the registry pertaining to candidates for the General Assembly and statewide office available on the Internet free of charge, in an easily understood format that allows the public to browse, search, and download the data contained in the reports by each of the reporting categories required by this chapter or KRS Chapter 121A, including, but not limited to:
    - 1. The name of each candidate or committee;
    - 2. The office sought by each candidate;
    - 3. The name of each contributor;
    - 4. The address of each contributor;
    - 5. The employer or business occupation of each contributor, or if the contributor is a permanent committee, a description of the major business, social, or political interest represented by the permanent committee;
    - 6. The date of each contribution; and
    - 7. The amount of each contribution.
  - (d) Make all data specified in paragraph (c) of this subsection available on the Internet no later than ten (10) business days after its receipt by the registry. If a contribution or expenditure report is filed late with the registry, that data shall be made available on the Internet within twenty-four (24) hours of the registry's receipt of the data;
  - (e) Make filer-side software available free of charge to all individuals or entities subject to the reporting requirements of this chapter or KRS Chapter 121A;
  - (f) Establish a training program on the electronic reporting program and make it available free of charge to all individuals and entities subject to the reporting requirements of this chapter or KRS Chapter 121A; and
  - (g) Maintain all campaign finance data pertaining to legislative and statewide candidates on-line for twenty (20) years after the date the report containing the data is filed, and then archive the data in a secure format.
- (7) In conjunction with the program of electronic reporting set out in subsection (6) of this section, the registry may:



- (a) Develop or acquire a computer system that provides for on-line Internet submission of the reports required by this chapter or KRS Chapter 121A utilizing security procedures to ensure the integrity of the data transmitted; and
- (b) Provide procedures for verifying electronic signatures placed upon reports under this chapter or KRS Chapter 121A.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 398, sec. 3, effective July 14, 2000. — Amended 1998 Ky. Acts ch. 154, sec. 75, effective July 15, 1998. — Amended 1996 Ky. Acts ch. 155, sec. 2, effective July 15, 1996; ch. 240, sec. 1, effective July 15, 1996; and ch. 252, sec. 1, effective January 1, 1997. — Amended 1994 Ky. Acts ch. 458, sec. 6, effective July 15, 1994. — Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 56, effective November 3, 1993. — Amended 1992 Ky. Acts ch. 288, sec. 44, effective July 14, 1992. — Amended 1988 Ky. Acts ch. 341, sec. 41, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 2, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 4, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, sec. 186.

#### **121.130 Dissemination of information to candidates, treasurers, depositories and general public.**

- (1) The registry shall take such steps as may be necessary to furnish timely and adequate information to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of this chapter. The registry shall also take such steps as are necessary to inform every treasurer and depository duly designated under this chapter of their actual obligations and responsibilities under this chapter.
- (2) The registry shall take such steps to disseminate among the general public such information as may serve to guide all persons who may become subject to the provisions of this chapter by reason of their participation in election campaigns or in the dissemination of political information, for the purpose of facilitating voluntary compliance with the provisions and purposes of this chapter.

**History:** Created 1974 Ky. Acts ch. 253, sec. 2.

#### **121.135 Advisory opinion by registry — Effect — Publication.**

- (1) Any person may file a written request with the registry for an advisory opinion concerning the application of the provisions of this chapter or any administrative regulation promulgated by the registry with respect to a specific transaction or activity by the person. The registry shall render a written advisory opinion relating

- to the specific transaction or activity to the person making the request not later than thirty (30) days after the registry receives the request.
- (2) If a candidate, slate of candidates, or either of their campaign committees files a written request with the registry for an advisory opinion not more than thirty (30) days before the date of an election at which the candidate or slate of candidates shall appear on the ballot, the registry shall render a written advisory opinion relating to the request not later than twenty (20) days after the registry receives a complete request.
  - (3) No advisory opinion shall be issued by the registry or any of its employees except in accordance with the provisions of this section.
  - (4)
    - (a) Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered.
    - (b) Notwithstanding any other provision of law, any person or committee to whom a written advisory opinion has been rendered who relies upon any provision or finding of the advisory opinion and who acts in good faith in accordance with the provisions and findings of the advisory opinion shall not, as a result of any act with respect to a transaction or activity addressed by the advisory opinion, be subject to any sanction provided by this chapter or any administrative regulation promulgated by the registry.
    - (c) It shall be no defense in any civil or criminal proceeding regarding a violation of any provision of this chapter or any administrative regulation promulgated by the registry for a person or committee to claim that he relied upon and acted in good faith based upon any provision or finding of an advisory opinion if the person or committee was not the person or committee involved in the specific transaction or activity with respect to which the advisory opinion was rendered.
  - (5)
    - (a) The registry shall make public all written requests for an advisory opinion made under subsection (1) or (2) of this section. Before rendering an advisory opinion, the registry shall accept written comments submitted by any interested party within the ten (10) day period following the date the request is made public.
    - (b) The registry shall make public all advisory opinions rendered under subsection (1) or (2) of this section.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 288, sec. 45, effective July 14, 1992.

**121.140 Investigation of complaint — Conciliation agreement hearing — Decision and order— Appeal from order — Reference for possible prosecution — Judicial review.**

- (1) Upon the sworn complaint of any person, or on its own initiative, the registry shall investigate alleged violations of campaign finance law. In conducting any investigation, the registry shall have the power of subpoena and may compel production of evidence including the financial records of any person determined by the registry to be vital to the investigation. The records subject to subpoena include, but are not limited to, a person's bank records and other relevant documents, but excluding individual and business income tax records.
- (2) If the registry concludes that there is probable cause to believe that the law has been violated, the registry shall notify the alleged violator of its conclusions and the evidence supporting them, and shall offer the alleged violator a conciliation agreement to resolve the issue. A conciliation agreement may require the alleged violator to comply with one (1) or more of the following:
  - (a) To cease and desist violations of the law;
  - (b) To file required reports or other documents or information;
  - (c) To pay a penalty not to exceed one hundred dollars (\$100) a day, up to a maximum total fine of five thousand dollars (\$5,000), for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document, or information is filed; except that there shall be no maximum total fine for candidates for statewide office; or
  - (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for acts of noncompliance with provisions contained within this chapter.
- (3) To accept a conciliation agreement, an alleged violator shall deliver the signed agreement to the registry either in person or by mail postmarked not later than ten (10) days after the day he received it. The registry may institute a civil action in Franklin Circuit Court or the Circuit Court for the county of the violator's residence to enforce the provisions of any conciliation agreement accepted by a violator who is not complying with its provisions.
- (4) If the alleged violator declines to accept the conciliation agreement or fails to respond within the time allowed, the registry shall submit a written request to the Chief Justice of the Kentucky Supreme Court to recommend not fewer than five (5) nor more than ten (10) retired or former justices or retired or former judges of the Court of Justice who are qualified and willing to conduct a hearing to determine if a violation has occurred. Upon receipt of the recommendations of the Chief Justice, the registry shall randomly select one (1) retired or former justice or judge from the list to conduct the hearing, which shall be held in accordance with the Kentucky Rules of Civil Procedure, or, if the Chief Justice declines to make recommendations, the registry, on its own initiative, shall request retired or former justices or judges to serve. The time and location of hearings shall be determined by the registry. Retired or former justices or judges selected to serve shall receive reimbursement from the registry for their reasonable and necessary expenses incurred as a result of the performance of their duties at the hourly rate set for attorneys by the Finance and Administration Cabinet. The registry shall notify the complainant and the alleged violator that a hearing shall be conducted of the specific offenses alleged not less than thirty

(30) days prior to the date of the hearing. At the hearing, which shall be open to the public pursuant to KRS 61.810, the attorney for the registry shall present the evidence against the alleged violator, and the alleged violator shall have all of the protections of due process, including, but not limited to, the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits and the right to cross-examine opposing witnesses. If the justice or judge determines that the preponderance of the evidence shows a violation has occurred, the justice or judge shall render a decision not more than sixty (60) days after the case is submitted for determination. The decision shall become the final decision of the registry unless the registry board at its next regular meeting acts to set aside or modify the justice's or judge's decision, in which case the registry board's decision shall become the final registry decision. A party adversely affected by the registry's order may appeal to Franklin Circuit Court within thirty (30) days after the date of the registry's order. The violator may be ordered to comply with any one (1) or more of the following requirements:

- (a) To cease and desist violation of this law;
  - (b) To file any reports or other documents or information required by this law;
  - (c) To pay a penalty not to exceed one hundred dollars (\$100) a day, up to a maximum total fine of five thousand dollars (\$5,000), for failure to file any report, payment of an administrative fee, or other document or information required by law until the report, fee payment, document, or information is filed; except that there shall be no maximum total fine for candidates for statewide office; or
  - (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for acts of noncompliance with provisions contained within this chapter. An appeal of an order shall be advanced on the docket to permit a timely decision.
- (5) If the registry concludes that there is probable cause to believe that the campaign finance law has been violated knowingly, it shall refer the violation to the Attorney General or the appropriate Commonwealth's or county attorney for prosecution. The Attorney General may request the registry's attorney or the appropriate county or Commonwealth's attorney to prosecute the matter and may request from the registry all evidence collected in its investigation. In the event the Attorney General or the appropriate local prosecutor fails to prosecute in a timely fashion, the registry may petition the Circuit Court to appoint the registry's attorney to prosecute, and upon a motion timely filed, for good cause shown, the court shall enter an order to that effect. Prosecutions involving campaign finance law violations, in which the reports are required to be filed in Frankfort, may be conducted in Franklin Circuit Court or in the Circuit Court for the county in which the contribution or expenditure constituting a campaign finance violation was solicited, made, or accepted. The prosecution of a person who unlawfully solicits, makes, or accepts a contribution or expenditure through the use of the mail may be conducted in the Circuit Court for the county in which the solicitation is mailed, the county in which the contribution is mailed or received, or the county in which the expenditure is mailed.

- (6) Any person directly involved or affected by an action of the registry which is final, other than of a determination to refer a violation to the Attorney General or appropriate Commonwealth's or county attorney for prosecution, may seek judicial review of the action within thirty (30) days after the date of the action.
- (7) If judicial review is sought of any action of the registry relating to a pending election, the matter shall be advanced on the docket of the court. The court may take any steps authorized by law to accelerate its procedures so as to permit a timely decision.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 109, sec. 1, effective July 15, 1998. — Amended 1994 Ky. Acts ch. 458, sec. 7, effective July 15, 1994. — Amended 1992 Ky. Acts ch. 288, sec. 46, effective July 14, 1992. — Amended 1988 Ky. Acts ch. 341, sec. 42, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 3, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 5, effective July 15, 1980. — Created 1974 Ky. Acts ch. 253, sec. 3.

**Legislative Research Commission Note.** Because of the similarity in the substance of 1988 Acts ch. 341, sec. 19, and the last sentence of (3) of this section, 1988 Acts ch. 341, sec. 19 has been treated as an amendment rather than a newly created section.

**121.150 Campaign contribution and loan restrictions and expenditure limitations.**

- (1) No contribution shall be made or received, directly or indirectly, other than an independent expenditure, to support inauguration activities or to support or defeat a candidate, slate of candidates, constitutional amendment, or public question which will appear on the ballot in an election, except through the duly appointed campaign manager, or campaign treasurer of the candidate, slate of candidates, or registered committee. Any person making an independent expenditure, shall report these expenditures when the expenditures by that person exceed five hundred dollars (\$500) in the aggregate in any one (1) election, on a form provided or using a format approved by the registry and shall sign a statement on the form, under penalty of perjury, that the expenditure was an actual independent expenditure and that there was no prior communication with the campaign on whose behalf it was made.
- (2) Except as provided in KRS 121.180(10), the solicitation from and contributions by campaign committees, political issues committees, permanent committees, and party executive committees to any religious, charitable, civic, eleemosynary, or other causes or organizations established primarily for the public good is expressly prohibited; except that it shall not be construed as a violation of this section for a candidate to contribute to religious, civic, or charitable groups.
- (3) No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf, shall accept any anonymous contribution in excess of fifty dollars (\$50), and all anonymous contributions in excess of fifty dollars



- (\$50) shall be returned to the donor, if the donor can be determined. If no donor is found, the contribution shall escheat to the state and be transferred to the election campaign fund established by KRS 121A.020. No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf shall accept anonymous contributions in excess of one thousand dollars (\$1,000) in the aggregate in any one (1) election. Anonymous contributions in excess of one thousand dollars (\$1,000) in the aggregate which are received in any one (1) election shall escheat to the state and be transferred to the election campaign fund established by KRS 121A.020.
- (4) No candidate, committee, or contributing organization, nor anyone on their behalf, shall accept a cash contribution in excess of fifty dollars (\$50) in the aggregate from each contributor in any one (1) election. No candidate, committee, or contributing organization, nor anyone on their behalf, shall accept a cashier's check or money order in excess of the maximum cash contribution limit unless the instrument clearly identifies both the payor and the payee. A contribution made by cashier's check or money order which identifies both the payor and payee shall be treated as a contribution made by check for purposes of the contribution limits contained in this section. No person shall make a cash contribution in excess of fifty dollars (\$50) in the aggregate in any one (1) election to a candidate, committee, or contributing organization, nor anyone on their behalf.
- (5) No candidate, slate of candidates, committee, contributing organization, nor anyone on their behalf, shall accept any contribution in excess of one hundred dollars (\$100) from any person who shall not become eighteen (18) years of age on or before the day of the next general election.
- (6) No candidate, campaign committee, political issues committee, nor anyone acting on their behalf, shall accept a contribution of more than one thousand dollars (\$1,000) from any person, permanent committee, or contributing organization in any one (1) election; except that no candidate for school board, his campaign committee, nor anyone acting on their behalf shall accept a contribution of more than one hundred dollars (\$100) from any person or more than two hundred dollars (\$200) from any permanent committee or contributing organization in any one (1) election. No person, permanent committee, or contributing organization shall contribute more than one thousand dollars (\$1,000) to any one (1) candidate, campaign committee, political issues committee, nor anyone acting on their behalf, in any one (1) election; except that no person shall contribute more than one hundred dollars (\$100) and no permanent committee or contributing organization shall contribute more than two hundred dollars (\$200) to any one (1) school board candidate, his campaign committee, nor anyone acting on their behalf, in any one (1) election. Limits on contributions for slates of candidates for Governor and Lieutenant Governor which may be made or received in any one (1) election shall be governed by the provisions of KRS 121A.050.
- (7) Permanent committees or contributing organizations affiliated by bylaw structure or by registration, as determined by the Registry of Election Finance, shall be



- considered as one (1) committee for purposes of applying the contribution limits of subsection (6) of this section.
- (8) No permanent committee shall contribute funds to another permanent committee for the purpose of circumventing contribution limits of subsection (6) of this section.
  - (9) No person shall contribute funds to a permanent committee, political issues committee, or contributing organization for the purpose of circumventing the contribution limits of subsection (6) of this section.
  - (10) No person shall contribute more than one thousand five hundred dollars (\$1,500) to all permanent committees and contributing organizations in any one (1) year.
  - (11) No person shall contribute more than two thousand five hundred dollars (\$2,500) to the state executive committee of a political party and its subdivisions and affiliates in any one (1) year. Contributions a person makes to a political party in excess of one thousand dollars (\$1,000) in any one (1) year shall be deposited in a separate account which the state executive committee maintains for the exclusive purpose of paying administrative costs incurred by the political party.
  - (12) No person shall make a payment, distribution, loan, advance, deposit, or gift of money to another person to contribute to a candidate, committee, contributing organization, or anyone on their behalf. No candidate, committee, contributing organization, nor anyone on their behalf shall accept a contribution made by one (1) person who has received a payment, distribution, loan, advance, deposit, or gift of money from another person to contribute to a candidate, committee, contributing organization, or anyone on their behalf.
  - (13) No candidates running as a slate for the offices of Governor and Lieutenant Governor shall make combined total personal loans to their committee in excess of fifty thousand dollars (\$50,000) in any one (1) election. No candidate for any other statewide elected state office shall lend to his committee any amount in excess of twenty-five thousand dollars (\$25,000) in any one (1) election. In campaigning for all other offices, no candidate shall lend to his committee more than ten thousand dollars (\$10,000) in any one (1) election.
  - (14) Subject to the provisions of subsection (20) of this section, no candidate or slate of candidates for nomination to any state, county, city, or district office, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for primary election expenses after the date of the primary. No person other than the candidate or slate of candidates shall contribute for primary election expenses after the date of the primary.
  - (15) Subject to the provisions of subsection (20) of this section, no slate of candidates for nomination for election to the offices of Governor and Lieutenant Governor, nor its campaign committees, nor anyone on their behalf, shall solicit or accept contributions for runoff primary election expenses after the date of the runoff primary. No person other than the slated candidates shall contribute for runoff primary election expenses after the date of the runoff primary.
  - (16) Subject to the provisions of subsection (20) of this section, no candidate or slate of candidates for any state, county, city, or district office at a regular election, nor their campaign committees, nor anyone on their behalf, shall solicit or accept

- contributions for regular election expenses after the date of the regular election. No person other than the candidate or slate of candidates shall contribute for regular election expenses after the date of the regular election.
- (17) Subject to the provisions of subsection (20) of this section, no candidate or slate of candidates for nomination or election to any state, county, city, or district office, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for special election expenses after the date of the special election. No person other than the candidate or slate of candidates shall contribute for special election expenses after the date of the special election.
- (18) Nothing in subsections (14) to (17) of this section shall be deemed to prohibit a slate of candidates from receiving transfers from the election campaign fund established by KRS 121A.020 for which it is eligible for matches of qualifying contributions received prior to the date of the election but for which no transfer from the fund had been made prior to the date of the election.
- (19) The provisions of subsections (14) and (16) of this section shall apply only to those candidates in a primary or regular election which shall be conducted subsequent to January 1, 1989. The provisions of subsections (15) and (17) of this section shall apply only to those candidates or slates of candidates in a runoff primary or special election which shall be conducted subsequent to January 1, 1993.
- (20) A candidate, slate of candidates, or a campaign committee may solicit and accept contributions after the date of a primary election, runoff primary election, regular election, or special election to defray necessary expenses that arise after the date of the election associated with election contests, recounts, and recanvasses of a specific election, complaints regarding alleged campaign finance violations that are filed with the registry pertaining to a specific election, or other legal actions pertaining to a specific election to which a candidate, slate of candidates, or campaign committee is a party. Reports of contributions received and expenditures made after the date of the specific election shall be made in accordance with KRS 121.180.
- (21) No slate of candidates for Governor and Lieutenant Governor or their immediate families shall loan any money, service, or other thing of value to their campaign, and all moneys, services, or other things of value which are loaned shall be deemed a contribution, which may not be recovered by the slate of candidates, except to the extent of a combined total of fifty thousand dollars (\$50,000).
- (22) No candidate, slate of candidates, committee, except a political issues committee, or contributing organization, nor anyone on their behalf, shall knowingly accept a contribution from a corporation, directly or indirectly.
- (23) Nothing in this section shall be construed to restrict the ability of a corporation to administer its permanent committee insofar as its actions can be deemed not to influence an election as prohibited by KRS 121.025.
- (24) In addition to the prohibitions set forth in this section, no slate of candidates shall accept any contribution during the twenty-eight (28) days immediately preceding a primary or regular election except as provided in KRS 121A.030(5).
- (25) No candidate, slate of candidates, or committee, nor anyone on their behalf, shall solicit a contribution of money or services from a state employee, whether

or not the employee is covered by the classified service provisions of KRS Chapter 18A. However, it shall not be a violation of this subsection for a state employee to receive a solicitation directed to him as a registered voter in an identified precinct as part of an overall plan to contact voters not identified as state employees.

- (26) (a) A candidate for elective public office, except slates of candidates for Governor and Lieutenant Governor, shall not accept contributions from permanent committees which, in the aggregate, exceed fifty percent (50%) of the total contributions accepted by the candidate in any one (1) election or ten thousand dollars (\$10,000) in any one (1) election, whichever is the greater amount. The percentage of the total contributions or dollar amounts of contributions accepted by a candidate in an election that is accepted from permanent committees shall be calculated as of the day of each election. Funds in a candidate's campaign account which are carried forward from one (1) election to another shall not be considered in calculating the acceptable percentage or dollar amount of contributions which may be accepted from permanent committees for the election for which the funds are carried forward. A candidate may, without penalty, contribute funds to his campaign account not later than sixty (60) days following the election so as not to exceed the permitted percentage or dollar amount of contributions which may be accepted from permanent committees or the candidate may, not later than sixty (60) days after the end of the election, refund any excess permanent committee contributions on a pro rata basis to the permanent committees whose contributions are accepted after the aggregate limit has been reached.
- (b) The provisions of paragraph (a) of this subsection regarding the receipt of aggregate contributions from permanent committees in any one (1) election shall also apply separately to the receipt of aggregate contributions from executive committees of any county, district, state, or federal political party in any one (1) election.
- (27) No candidate or slate of candidates for any office in this state shall accept a contribution, including an in-kind contribution, which is made from funds in a federal campaign account. No person shall make a contribution, including an in-kind contribution, from funds in a federal campaign account to any candidate or slate of candidates for any office in this state.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 398, sec. 4, effective July 14, 2000. — Amended 1998 Ky. Acts ch. 599, sec. 1, effective July 15, 1998. — Amended 1996 Ky. Acts ch. 153, sec. 3, effective July 15, 1996; ch. 188, sec. 1, effective July 15, 1996; and ch. 372, sec. 1, effective April 12, 1996. — Amended 1994 Ky. Acts ch. 458, sec. 8, effective July 15, 1994. — Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 57, effective September 16, 1993. — Amended 1992 Ky. Acts ch. 288, sec. 25, effective July 14, 1992. — Amended 1990 Ky. Acts ch. 314, sec. 1, effective July 13, 1990; and ch. 476, Pt. II, sec. 73, effective July 13, 1990. — Amended 1988 Ky. Acts ch. 15, sec.

1, effective July 15, 1988; ch. 55, sec. 1, effective March 11, 1988; ch. 118, sec. 2, effective 1991; and ch. 341, sec. 43, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 4, effective July 15, 1986; and ch. 168, sec. 1, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 6, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, sec. 187.

### **121.160 Campaign treasurers — Duties.**

- (1) As part of the filing papers each candidate or slate of candidates shall, on a duplicate form prescribed and furnished by the registry, designate a campaign treasurer to act as their agent at the time and at the office with which they file as a candidate or slate of candidates and until this requirement is met the candidate or slate of candidates shall be listed as their own treasurer and accountable as such. The candidate or slate of candidates may appoint themselves or any registered voter in Kentucky as the campaign treasurer. The office with which the candidate or slate of candidates is required to file shall immediately forward to the registry the duplicate copy of the completed form designating the candidate's or slate's campaign treasurer and shall attach the original to the candidate's or slate's filing papers. The office with which the candidate or slate of candidates files shall promptly notify the registry when a candidate withdraws.
- (2) The duties of a campaign treasurer shall be to:
  - (a) Designate a depository bank in which the primary campaign account shall be maintained and deposit all contributions in that account;
  - (b) Keep detailed and exact accounts of:
    1. Contributions of any amount made by a permanent committee, by name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
    2. Contributions in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, by the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor; and
    3. Contributions in excess of one hundred dollars (\$100) made to any candidate other than those specified in subparagraph 2., by name, address, age if under legal voting age, date of the contribution, amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed. The occupation listed for the contributor shall be specific. A general classification, such as "businessman", shall be insufficient;

- (c) Make or authorize all expenditures on behalf of a candidate or slate of candidates. Any expenditure in excess of twenty-five dollars (\$25) shall be by check and the treasurer's records shall disclose the name, address, and occupation of every person or firm to whom made, and shall list the date and amount of the expenditure and the treasurer shall keep a receipted bill for each;
  - (d) Maintain all receipted bills and accounts required by this section for a period of six (6) years from the date he files his last report under KRS 121.180(3)(b)1.; and (e) Make no payment to any person not directly providing goods or services with the intent to conceal payment to another.
- (3) A candidate or slate of candidates may remove a campaign treasurer at any time.
- (4) In case of the death, resignation, or removal of a campaign treasurer, the candidate or slate of candidates shall within three (3) days after receiving notice thereof by certified mail, appoint a successor and shall file his name and address with the registry. The candidate, or slate shall be accountable as their own campaign treasurer if they fail to meet this filing requirement.
- (5) A person may serve as campaign treasurer for more than one (1) candidate or slate of candidates, but all reports shall be made separately for each individual candidate or slate.
- (6) The candidate or slate of candidates may pay a campaign treasurer a salary for his services which shall be considered a campaign expense and shall comply with the reporting provisions of KRS 121.180 and administrative regulations promulgated by the registry.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 458, sec. 9, effective July 15, 1994. — Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 58, effective November 3, 1993. — Amended 1992 Ky. Acts ch. 288, sec. 26, effective July 14, 1992. — Amended 1988 Ky. Acts ch. 341, sec. 44, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 5, effective July 15, 1986. — Amended 1984 Ky. Acts ch. 111, sec. 69, effective July 13, 1984. — Amended 1980 Ky. Acts ch. 114, sec. 17, effective July 15, 1980. — Amended 1976 Ky. Acts ch. 6, sec. 1. — Created 1974 Ky. Acts ch. 130, sec. 188.

**121.170 Registration of committees and fundraisers — Information required — Permanent committee by member of General Assembly prohibited.**

- (1) Any committee, except a federally-registered out-of-state permanent committee, organized under any provisions of this chapter shall register with the registry, by filing official notice of intention at the time of organization, giving names, addresses, and positions of the officers of the organization and designating the candidate or candidates, slate of candidates, or question it is organized to support or oppose on forms prescribed by the registry; except that no campaign



- committee for a slate of candidates for Governor and Lieutenant Governor shall be registered prior to the filing of a joint notification and declaration by the slate of candidates pursuant to KRS 118.125 and 118.127. No entity which is excluded from the definition of "campaign committee" established in KRS 121.015(3)(a) shall be required to register as a committee with the registry. The name of the committee shall reasonably identify to the public the sponsorship and purpose of the committee. The forms filed with the registry shall require the registrant to clearly identify the specific purpose, sponsorship, and source from which the committee originates; and the registry shall refuse to allow filing by any committee until this requirement has been satisfied.
- (2) Any person who acts as a fundraiser by directly soliciting contributions for an election campaign of a candidate or slate of candidates for statewide-elected state office or an office in a jurisdiction containing in excess of two hundred thousand (200,000) residents shall register with the registry when he raises in excess of three thousand dollars (\$3,000) in any one (1) election for the campaign committee by filing official notice giving his name, address, occupation, employer or, if he is self-employed, the name under which he is doing business, and all candidates or slates of candidates for whom he is soliciting on forms prescribed by the registry. A registered fundraiser shall comply with the campaign finance reporting requirements of KRS 121.180(3), (4), and (5) and KRS 121A.020(5).
  - (3) All provisions of KRS 121.160 and 121A.070 governing the duties and responsibilities of a candidate, slate of candidates, or campaign treasurer shall apply to a registered committee, except a federally-registered out-of-state permanent committee, and a person acting as a campaign fundraiser. In case of the death, resignation, or removal of a campaign treasurer for a permanent committee or executive committee, the chairman of the permanent committee or executive committee shall, within three (3) days after receiving notice of the vacancy by certified mail, appoint a successor as treasurer for the committee and file the name and address of the successor with the registry. The chairman of the permanent committee or executive committee shall be accountable as the treasurer for the committee if the chairman fails to meet this filing requirement.
  - (4) The chairman of a committee and the campaign treasurer shall be separate persons.
  - (5) Any federally-registered out-of-state permanent committee that contributes to a Kentucky candidate shall:
    - (a) File with the registry a copy of its federal registration (Federal Election Commission Form 1 - Committee Registration Form);
    - (b) File with the registry a copy of the Federal Election Commission finance report when a contribution is made to a Kentucky candidate; and
    - (c) Contribute not more than the maximum amount permitted for a permanent committee to make under Kentucky law to any candidate for any office in this Commonwealth.
  - (6) Notwithstanding any provision of law to the contrary, a contribution made by a federally-registered permanent committee to any candidate for any office in this



Commonwealth that complies with the provisions of 2 U.S.C. sec. 441b, 11 C.F.R. sec. 104.10, 11 C.F.R. sec. 106.6, and 11 C.F.R. sec. 114.1-114.12 regarding limitations on contributions by corporations shall be deemed to comply with the campaign finance laws of this Commonwealth prohibiting corporate contributions to candidates.

- (7) The organization, formation, or registration of a permanent committee by any member of the General Assembly shall be prohibited.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 599, sec. 2, effective July 15, 1998. — Amended 1996 Ky. Acts ch. 153, sec. 6, effective July 15, 1996; and ch. 179, sec. 2, effective July 15, 1996.. — Amended 1994 Ky. Acts ch. 458, sec. 10, effective July 15, 1994. — Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 59, effective January 1, 1994. — Amended 1992 Ky. Acts ch. 288, sec. 27, effective July 14, 1992. — Amended 1988 Ky. Acts ch. 341, sec. 45, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 6, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 7, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, sec. 189.

#### **121.175 Allowable campaign expenditures — Administrative regulations — Penalties.**

- (1) No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. “Allowable campaign expenditures” means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign. “Allowable campaign expenditures” does not include expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate’s family, committee, or contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or

oppose a candidacy for a leadership position in a governmental, professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be required to include a disclaimer on campaign stationery purchased with funds from his campaign account. A member of the General Assembly may utilize funds in his campaign account to purchase admission tickets for political party functions, to purchase items with a value of not in excess of one hundred dollars (\$100) for donation to a political party for auctions and fundraisers, and to participate in or support other events sponsored by a political party. A member of the General Assembly may make allowable campaign expenditures in both election years and nonelection years.

- (2) By December 31, 1993, the registry shall promulgate administrative regulations to implement and enforce the provisions of subsection (1).
- (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this section, the registry may, after hearing:
  - (a) For a violation which was not committed knowingly, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000); and
  - (b) For a violation which was committed knowingly, in addition to referring the matter for criminal prosecution, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000).

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 458, sec. 11, effective July 15, 1994; and ch. 479, sec. 7, effective July 15, 1994. — Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 63, effective November 3, 1993.

**Legislative Research Commission Note** (7/15/94). This section was amended by 1994 Ky. Acts chs. 458 and 479 which do not appear to be in conflict and have been codified together.

**121.180 Reports required of committees and treasurers — Exemptions — Administrative fee — Exceptions — Use of campaign funds — Disposition of unexpended campaign funds — Reports of purveyors of communications and advertising services — Electronic reporting.**

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any preelection finance reports required by subsection (3) of this section or KRS 121A.020(5), whichever is applicable, if the candidate, slate of candidates, or political issues committee chairman files a form prescribed and furnished by the registry stating that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election to further the candidacy or to support or oppose a constitutional amendment or public question which will appear on the ballot. For a candidate for judicial office who desires to be exempt from filing preelection campaign finance reports as provided in this paragraph, the request for exemption shall be filed by the campaign treasurer of the candidate's campaign committee, but the candidate shall be personally liable for any violation if the campaign treasurer accepts contributions or makes expenditures in excess of the limit and shall be subject to the same penalties as a candidate as provided in subparagraph (l)1. or 2. of this subsection. A separate form shall be required for each primary, runoff primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, unless the candidate, slate of candidates, or political issues committee chairman indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry.
- (b) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section or KRS 121A.020(5), whichever is applicable, if the candidate, slate of candidates, or political issues committee chairman files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of one thousand dollars (\$1,000) in any one (1) election. For a candidate for judicial office who desires to be exempt from filing any campaign finance reports as provided in this paragraph, the request for exemption shall be filed by the campaign treasurer of the candidate's campaign committee, but the candidate shall be personally liable for any violation if the campaign treasurer accepts contributions or makes expenditures in excess of the limit and shall be subject to the same penalties as a candidate as provided in subparagraph (l)1. or 2. of this subsection. A separate form shall be required for each primary, runoff primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, unless the candidate, slate of candidates, or political issues committee chairman indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files

nomination papers or, in the case of a political issues committee, with the registry.

- (c) For a primary election, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (d) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the filing deadline. For a runoff primary election, a slate of candidates shall file its request for exemption not later than five (5) days after the date of the preceding primary election and shall be bound by its terms unless rescinded in writing not later than ten (10) days after the date of the preceding primary election. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than twenty-five (25) days after the date of the preceding primary election, or runoff primary, if one is held, except as provided in subparagraph 2. of paragraph (d) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than twenty-five (25) days after the date on which the nomination for a special election is made. A political issues committee chairman shall file a request for exemption not later than ten (10) days after the date on which the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the date on which the request for exemption is filed.
- (d)
  - 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner may exercise the remaining option or may file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. If a candidate or slate of candidates elects to exercise a different option, the candidate or slate of candidates shall file the appropriate form with the officer who received the filing papers of the candidate or slate of candidates not later than the deadline for filing a revocation.
  - 2. A candidate for any city or county office or for any school board office, who is exempted from some or all campaign finance reporting requirements pursuant to paragraph (a) or (b) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate accepts or receives in that election. The filing of applicable required reports by a candidate after the exempted amount is exceeded shall serve as notice to the registry that the initial exemption has been rescinded. No further notice to the registry shall be required

and no penalty for exceeding the initial exempted amount shall be imposed against the candidate, except for failure to file applicable reports required after the exempted amount is exceeded.

- (e) Any candidate or slate of candidates that is subject to an August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (d) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the filing deadline. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (d) of this subsection.
- (f) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed either request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection if a candidate or slate of candidates that is subject to an August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (d) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (d) of this subsection.
- (g) Except as provided in subparagraph 2. of paragraph (d) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection.
- (h) Any candidate or slate of candidates that has filed a request for exemption to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (d) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (d) of this subsection.
- (i) If the opponent of a candidate or slate of candidates is replaced due to his withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (d) of this subsection, may exercise the reversion rights provided in subparagraph 1 of paragraph (d) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.
- (j) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a)



or (b) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days after the filing deadline for the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner may exercise the remaining exemption option or may file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (d) of this subsection, a person intending to be a write-in candidate who elects to exercise a different exemption option shall file the appropriate form with the officer who received the initial request for exemption not later than fifteen (15) days after the filing deadline for the regular or special election.

- (k) Except as provided in subparagraph 2. of paragraph (d) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chairman has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner and no new request for exemption has been executed.
- (l)
  - 1. Except as provided in subparagraph 2. of paragraph (d) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (b), (e), or (j) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not more than five hundred dollars (\$500) plus the amount by which the spending limit was exceeded.
  - 2. Except as provided in subparagraph 2. of paragraph (d) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (b), (e), or (j) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (2) (a) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
  - 1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed,



- and a description of the major business, social, or political interest represented by the permanent committee;
2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he is doing business shall be listed;
  3. The total amount of cash contributions received during the reporting period; and
  4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) This report shall be in the hands of the registry or postmarked within five (5) days after the thirtieth day following the primary, runoff primary if slates of candidates of that party participate, and regular elections. If an individual gives a reportable contribution to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required, by this subsection, to be in the hands of the registry or postmarked within five (5) days after the thirtieth day following each regular election.
- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;

2. For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide-elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor; and
  3. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee other than those specified in subparagraph 2. or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed;
  4. The total amount of cash contributions received during the reporting period; and
  5. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
1. Candidates as defined in KRS 121.015(8), campaign committees, political issues committees, and fundraisers which register in the year before the year an election in which the candidate or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after the person becomes a candidate or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. Candidates, committees, and registered fundraisers shall make all reports required by this section during the year in which the election takes place;
  2. All candidates, campaign committees, political issues committees, and registered fundraisers shall make reports on the thirty-second day preceding an election, including all previous contributions and expenditures;
  3. All candidates, campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and
  4. All reports to the registry shall be received by the registry or postmarked within five (5) days after each filing deadline.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(b) of this section, all candidates, regardless

- of funds received or expended, campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election.
- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer and the employer of the spouse of the purchaser or, if the purchaser or the spouse of the purchaser is self-employed, the name under which he is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer, or if the purchaser is self-employed, the name under which he is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.
- (6) Each permanent committee, except a federally registered out-of-state permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
- (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
  - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he is doing business shall be listed;
  - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
  - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a

permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be postmarked or received not later than five (5) days after each filing deadline.

- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry or postmarked not later than ten (10) days after November 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit, or until the year before the candidate seeks to appear on the ballot for the same office for which the funds in the campaign account were originally contributed, in which case the candidate shall file the supplemental annual report not later than ten (10) days after November 1 of that year or at the end of the first calendar quarter of that year after the candidate files his nomination papers for the next year's primary or regular election. All contributions shall be subject to KRS 121.150.
- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry. A duplicate paper copy of each report filed either on paper or electronically with the registry shall be filed by the candidate, slate of candidates, or committee with the county clerk in the county in which the candidate or persons running as a slate of candidates reside at the same time. County clerks shall maintain these reports for public inspection for a period of one (1) year from the date the last report is required to be filed.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
  - (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
  - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not

- preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and
- (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to further the candidacy of the person for a different public office, to support or oppose a different public issue, or to further the candidacy of any other person for public office; except that nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in the campaign account to purchase admission tickets for any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase does not exceed one hundred dollars (\$100) per event or affair. Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot. Except as provided in KRS 121A.080(6), any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee, escheat to the State Treasury, be returned pro rata to all contributors, or, in the case of a partisan candidate, be transferred to the state or county executive committee of the political party of which the candidate is a member except that a candidate, committee, or an official may retain the funds to further the same public issue or to seek election to the same office or may donate the funds to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto.
- (11) (a) Any publisher of newspapers or magazines, owner or lessor of billboards, or any other person, company, corporation, or business organization offering its communications or advertising services for hire to the public who receives funds for the purchase of advertising services or material, shall file with the registry a copy of the material or communication purchased which supports or opposes any slate of candidates or committee; a copy of the receipt for the funds paid; the name and address of each purchaser; and the source of the funds for the purchase if different than the purchaser.
- (b) A radio or television station or network that receives funds for the purchase of advertising services or material that supports or opposes a



- slate of candidates or committee shall file with the registry a copy of the documentation of paid political campaign advertisements that is required to be maintained by the Federal Communications Commission, along with a cover letter from the manager of the station or network or the manager's designee.
- (c) All information required to be reported by paragraphs (a) and (b) of this subsection shall be in the hands of the registry or postmarked not later than the thirtieth day following the primary, runoff primary, and regular elections that are held subsequent to the date that the broadcasting or printing of the advertisement occurs.
  - (d) The provisions of this subsection shall apply only to purchases of advertising services or material to support or oppose a slate of candidates for election to the offices of Governor and Lieutenant Governor.
  - (e) Notwithstanding KRS 121.990 and KRS 121A.990, penalties for violation of this subsection shall be assessed in accordance with the provisions of KRS 121.140(2).
- (12) (a) For the purposes of this subsection, "election cycle," as applied to contributions, expenditures, or loans to support or oppose a candidate for a particular office, means the period of time beginning January 1 following a regular election for the office and ending December 31 following the next regular election for that office.
- (b) For the purpose of this subsection, "election cycle," as applied to contributions, expenditures, or loans to support or oppose a constitutional amendment or public question which appears on the ballot, means the period of time beginning January 1 following a regular election for any state legislative office and ending December 31 following the next regular election for any state legislative office.
- (c) If adequate and appropriate agency funds are available to implement this subsection, beginning on January 1, 2002, the option of electronic reporting shall be made available by the registry for all of the following:
1. Candidates for statewide office and slates of candidates that during the election cycle receive contributions or loans in the aggregate of twenty-five thousand dollars (\$25,000) or more, or at any time have a balance in a campaign account or accounts in the aggregate of twenty-five thousand dollars (\$25,000) or more;
  2. Candidates for the General Assembly that during the election cycle receive contributions or loans in the aggregate of twelve thousand five hundred dollars (\$12,500), or at any time have a balance in an aggregate of twelve thousand five hundred dollars (\$12,500) or more; and
  3. Campaign committees, political issues committees, permanent committees, registered fundraisers, contributing organizations, and individuals and entities making independent expenditures that during the election cycle receive contributions or loans in an aggregate of twenty-five thousand dollars (\$25,000) or more, make

expenditures in an aggregate of twenty-five thousand dollars (\$25,000) or more, or at any time have a balance in an aggregate of twenty-five thousand dollars (\$25,000) or more.

- (13) Filers specified in subsection (12) of this section shall also continue to file required campaign finance reports in paper format until the registry deems it is no longer necessary. The paper copy shall continue to be the official version for audit and other legal purposes.
- (14) Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily.
- (15) The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- (16) All electronic or on-line filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- (17) Filers who submit computer disks which are not readable, cannot be copied, or are not accompanied by any requisite paper copy shall be deemed to not be in compliance with the requirements set forth in this section.
- (18) No candidate is obligated to file any reports electronically.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 398, sec. 5, effective July 14, 2000. — Amended 1998 Ky. Acts ch. 599, sec. 3, effective July 15, 1998. — Amended 1996 Ky. Acts ch. 106, sec. 1, effective July 15, 1996; ch. 153, sec. 7, effective July 15, 1996; ch. 252, sec. 2, effective January 1, 1997; and ch. 372, sec. 2, effective April 12, 1996. — Amended 1994 Ky. Acts ch. 458, sec. 12, effective July 15, 1994. — Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 60, effective September 16, 1993. — Amended 1992 Ky. Acts ch. 288, sec. 28, effective July 14, 1992. — Amended 1990 Ky. Acts ch. 204, sec. 1, effective July 13, 1990. — Amended 1988 Ky. Acts ch. 15, sec. 2, effective July 15, 1988; ch. 17, sec. 13, effective July 15, 1988; and ch. 341, sec. 46, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 7, effective July 15, 1986. — Amended 1984 Ky. Acts ch. 111, sec. 70, effective July 13, 1984. — Amended 1980 Ky. Acts ch. 292, sec. 8, effective July 15, 1980. — Amended 1978 Ky. Acts ch. 5, sec. 2, effective June 17, 1978; ch. 216, sec. 1, effective June 17, 1978; ch. 255, sec. 2, effective June 17, 1978; and ch. 384, sec. 255, effective June 17, 1978. — Amended 1976 Ky. Acts ch. 247, sec. 15; and ch. 279, sec. 1. — Created 1974 Ky. Acts ch. 130, sec. 190.

**Legislative Research Commission Note (7/15/98).** Previous references to “subparagraph (k)1. or 2. of this subsection” in subsection (1) of this statute were not changed to “subparagraph (1)1. or 2.” when the paragraphs of subsection (1) were relettered in 1998 Ky. Acts ch. 599, sec. 3, because of the addition of a new paragraph within the subsection. It is clear from context that this should have been done but that it was inadvertently overlooked. This omission has been corrected in codification under KRS 7.136(1)(e) and (h).

**121.190 Identification of contributors and advertisers.**

- (1) All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements which expressly advocate the election or defeat of a clearly identified candidate, slate of candidates, or group of candidates for nomination or election to any public office shall be identified by the words "paid for by" followed by the name and address of the individual or committee which paid for the communication; except that if paid for by a candidate, slate of candidates, or campaign committee, it shall be identified only by the words "paid for by" followed by the name of the candidate, slate of candidates, or campaign committee, whichever is applicable. For television and radio broadcasts, compliance with Federal Communications Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with this section.
- (2) The management of newspapers and magazines shall keep a one (1) year record of all statements, articles, or advertisements referred to in subsection (1) of this section, that appear in their publications, however, nothing in subsection (1) of this section shall be construed to require editors or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employee or employer.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 153, sec. 8, effective July 15, 1996. — Amended 1994 Ky. Acts ch. 458, sec. 13, effective July 15, 1994. — Created 1974 Ky. Acts ch. 130, sec. 191.

**121.210 Central campaign committee — Designation — Duties — Unauthorized or disavowed campaign committee.**

- (1) Each candidate may designate one (1) central campaign committee. If so designated, the central campaign committee shall receive all reports made by any other campaign committee authorized in writing by the candidate to accept contributions or make expenditures for the purpose of influencing the nomination for election, or election, of the candidate who designated it as his central campaign committee.
- (2) Each statement or report which an authorized committee is required to file with or furnish to the registry shall, if that committee is not a central campaign committee, be furnished instead to the central campaign committee for the candidate on whose behalf that committee is, or is established for the purpose of, accepting contributions or making expenditures.
- (3) Each central campaign committee shall receive all reports and statements filed with or furnished to it by other authorized committees, and shall consolidate and

furnish the reports and statements to the registry, together with its own reports and statements as prescribed by KRS 121.180.

- (4) Campaign committees not authorized by, or which have been disavowed by the candidate, shall not include the name of the candidate as part of the committee's name and shall file the reports and statements with the registry as prescribed in KRS 121.180.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 292, sec. 9, effective July 15, 1980. — Created 1974 Ky. Acts ch. 253, sec. 7.

**121.220 Primary campaign depository — Secondary depository — Deposits — Statements.**

- (1) Each candidate, slate of candidates, and each committee shall, before receiving any contributions or expending any money, designate one (1) primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate, slate of candidates, or committee. The candidate, slate of candidates, or committee may also designate one (1) secondary depository in each county in which an election is held and in which the candidate, slate of candidates, or committee participates. Deputy campaign treasurers may make expenditures from secondary depositories but only from moneys which first have been deposited in the primary campaign depository. Only a financial institution authorized to transact business in Kentucky may be designated as a campaign depository. The candidate, slate of candidates, or committee shall file the name and address of each primary and secondary depository so designated at the same time the candidate, slate of candidates, or committee files the name of his or its campaign treasurer.
- (2) All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate or committee shall be deposited in a campaign depository in an account designated "Campaign Fund of (name of candidate or committee)." For each deposit, the campaign treasurer or deputy campaign treasurer shall retain a statement showing the name and business address of the permanent committee, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee for each contribution of any amount made by a permanent committee, and the full name, address, employer of each other contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and occupation of each contributor of more than one hundred dollars (\$100) and the amount contributed. Cash contributions shall be accompanied by the same receipt form. The campaign treasurer or deputy campaign treasurer for a slate of candidates or a slate's campaign committee shall comply with the requirements of KRS 121A.080(6).

**Effective:** November 3, 1993

**History:** Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 61, effective November 3, 1993. — Amended 1992 Ky. Acts ch. 288, sec. 29, effective July 14, 1992. — Amended 1988 Ky. Acts ch. 341, sec. 47, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 9, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 10, effective July 15, 1980. — Amended 1978 Ky. Acts ch. 5, sec. 3, effective June 17, 1978. — Created 1974 Ky. Acts ch. 253, sec. 8.

**121.230 Use of portion of income tax designated to political party — Records and reports — Audit.**

- (1) No state or local governing authority of a political party to which funds are remitted under KRS 141.071 to 141.073 shall use such funds other than in support of the party's candidates in a general election and for the administrative costs of maintaining a political party headquarters.
- (2) Each state or local governing authority of a political party to which funds are remitted under KRS 141.071 to 141.073 shall deposit such funds in a bank account and shall report the amount of such funds received as a separate entry on its committee report. All expenditures from such remitted funds shall be by check. A copy of each canceled check written on the account of funds remitted under KRS 141.071 to 141.073 shall be retained by the state or local governing authority of the political party for a period of not less than four (4) years.
- (3) The designated official of each state or local governing authority of a political party to which funds are remitted under KRS 141.071 to 141.073 shall maintain a current record of the receipts, balance, and expenditures of the funds so remitted. In addition, the official shall, within thirty (30) days after each general election, forward to the Registry of Election Finance a report of:
  - (a) The unexpended and unobligated balance of such remitted funds; and
  - (b) An itemized listing of each expenditure authorized, incurred or made from such remitted funds, indicating the amount, date, and purpose of each expenditure, regardless of the amount, and the name, address, and occupation of each person to whom an expenditure of fifty dollars (\$50) or more was made, since the date of the last report.
- (4) The reports required by subsection (3) of this section shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (5) The Registry of Election Finance may annually audit the accounts and records of receipts and expenditures of funds in the amount of one thousand five hundred dollars (\$1,500) or less that are remitted to each state or local governing authority of a political party under KRS 141.071 to 141.073. The registry shall annually audit the accounts and records of receipts and expenditures of funds in the amount of more than one thousand five hundred dollars (\$1,500) that are remitted to each state or local governing authority of a political party under KRS



141.071 to 141.073. The registry shall report the results of each audit conducted to the General Assembly. In the course of such audits, the registry or its authorized agents may ascertain the amount of such remitted funds on deposit in the separate bank account, required by subsection (2) of this section, of the political party audited and may audit the account on the books of the bank. No bank shall be liable for making available to the registry any of the information required under this section.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 599, sec. 5, effective July 15, 1998. — Amended 1996 Ky. Acts ch. 372, sec. 3, effective April 12, 1996. — Amended 1982 Ky. Acts ch. 167, sec. 3, effective January 1, 1983. — Amended 1980 Ky. Acts ch. 292, sec. 11, effective July 15, 1980. — Created 1978 Ky. Acts ch. 255, sec. 1, effective June 17, 1978.

#### **121.310 Coercement of employee's vote prohibited.**

- (1) No person shall coerce or direct any employee to vote for any political party or candidate for nomination or election to any office in this state, or threaten to discharge any employee if he votes for any candidate, or discharge any employee on account of his exercise of suffrage, or give out or circulate any statement or report that employees are expected or have been requested or directed by the employer, or by anyone acting for him, to vote for any person, group of persons or measure.
- (2) No corporation organized or authorized to do business in this state shall influence or attempt to influence, by bribe, favor, promise, inducement or otherwise, the vote or suffrage of any employee of such corporation against or in favor of any candidate, platform, principle or issue in any election held under the laws of this state.

**History:** Created 1974 Ky. Acts ch. 130, sec. 193.

#### **121.320 Assessment of state or federal employee prohibited.**

- (1) No person shall obtain or attempt to obtain money by assessment or coercion from any state or federal employee with the purpose of using the money to promote or aid the candidacy of any person, or any political party, or any question to be voted upon by the voters of this state or any section or portion of this state in any state, national, district, county, city or precinct election, or primary election, or in securing delegates or in any manner where nominations are to be made by convention. Every assessment and each act of coercion shall constitute a separate offense.

- (2) The term “assessment,” as used in this section, means the fixing of any amount, to be given in money by any employee, and the soliciting of that amount or any amount in money from a person so assessed. The term “coercion,” as used in this section, means any threat of discharging any employee for failure to contribute any amount of money for campaign or political purposes, or any attempt to force contribution of any amount of money for political or campaign purposes by any influence, or discharging, demoting or reducing the salary or wages of any employee for failure to contribute portions of his salary or wages, or by putting such employee in fear in any manner.
- (3) The term “state or federal employee,” as used in this section, means any person who holds any appointive office in any department of the state or federal government, and who receives wages or salary for his work from the funds of the state or the United States.

**History:** Created 1974 Ky. Acts ch. 130, sec. 194.

**121.330 Restrictions on elected officials and their appointees in dealing with certain contributors and fundraisers.**

- (1) No elected official or any of his appointees shall knowingly award any nonbid contract with the governing authority which the elected official serves to any entity whose officers or employees, or the spouses of officers or employees, knowingly contributed in excess of five thousand dollars (\$5,000) in the aggregate in any one (1) election to the election campaign of the elected official during the term of office following the election campaign in which the contributions were made.
- (2) No entity whose officers or employees, or the spouses of officers or employees, have knowingly contributed in excess of five thousand dollars (\$5,000) in the aggregate in any one (1) election to the election campaign of any elected official shall knowingly receive any nonbid contract with the governing authority which the elected official serves during the term of office following the election campaign in which the contributions were made.
- (3) No elected official or any of his appointees shall knowingly award any nonbid contract, lease, or appointment to any office or board with the governing authority which the elected official serves to any person who has acted as a fundraiser by directly soliciting contributions to the election campaign of the elected official who secured in excess of thirty thousand dollars (\$30,000) in contributions in the aggregate in any one (1) election for the election campaign, or to his immediate family, employer, or employee, during the term of office following the election campaign in which the contributions were made, nor shall any award of a nonbid contract or lease with the governing authority knowingly be made to the entity in which the person has an interest during the term of office following the election campaign in which the contributions were made.
- (4) No person who has acted as a fundraiser by directly soliciting contributions for the election campaign of an elected official who secured in excess of thirty

thousand dollars (\$30,000) in contributions in the aggregate in any one (1) election for the election campaign, nor his immediate family, employer, or employee, shall knowingly receive any nonbid contract, lease, or appointment to any office or board with the governing authority which the elected official serves during the term of office following the election campaign in which the contributions were made, nor shall an entity in which the person has an interest knowingly receive a nonbid contract or lease with the governing authority during the term of office following the election campaign in which the contributions were made.

- (5) For the purposes of this section, "entity" means any person, sole proprietorship, partnership, unincorporated association, unincorporated company, joint stock company, public service corporation, professional services corporation, corporation, or any other business organization.
- (6) For the purposes of this section, "immediate family" means the spouse of the person, the parent of the person or spouse, or the child of the person or spouse.
- (7) For the purposes of this section, "governing authority" means the elected legislative, executive, and judicial officers charged with the administration of the affairs of the political subdivision which they serve.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 288, sec. 16, effective July 14, 1992.

### **121.990 Penalties.**

- (1) Any corporation or any officer, agent, attorney, or employee of a corporation, who knowingly violates any of the provisions of KRS 121.025, shall be fined not more than ten thousand dollars (\$10,000), and, in the case of individuals, be guilty of a Class D felony.
- (2) Any corporation that knowingly violates any of the provisions of KRS 121.035(1) or KRS 121.310(2) shall be fined not more than ten thousand dollars (\$10,000) for each offense, and upon conviction its charter shall be forfeited or its authority to do business revoked.
- (3) Any person who knowingly violates any of the provisions of KRS 121.035(2), 121.045, 121.055, 121.150 to 121.230, 121.310(1), 121.320, or KRS Chapter 121A, shall, for each offense, be guilty of a Class D felony. Violations of KRS 121.150 to 121.230 or KRS Chapter 121A shall include, but shall not be limited to, any of the following acts or omissions:
  - (a) Failure to make required reports or to file reports at times specified;
  - (b) Making any false statement or report;
  - (c) Giving money under a fictitious name; or
  - (d) Making any communication in violation of KRS 121.190(1).
- (4) The nomination for, or election to, an office of any candidate or slate of candidates who knowingly violates any provision of KRS 121.150 to 121.220 or

- KRS Chapter 121A, or whose campaign treasurer knowingly violates any provision of KRS 121.150 to 121.220 or KRS Chapter 121A, with the knowledge of that candidate or slate of candidates, shall be void, and, upon a final judicial determination of guilt, the office shall be declared vacant and the officeholder shall forfeit all benefits which he would have been entitled to receive had he continued to serve, and the office or candidacy shall be filled as provided by law for the filling of a vacancy. An action to declare a vacancy under this subsection may be brought by the registry, the Attorney General, any candidate or slate of candidates for the office sought to be declared vacant, or any qualified voter.
- (5) The Attorney General, Commonwealth's attorney, the registry, or any qualified voter may sue for injunctive relief to compel compliance with the provisions of KRS 121.056 and KRS 121.120 to 121.230 and KRS Chapter 121A.
  - (6) The Commonwealth's attorney or county attorney for the county in which the candidate or slated candidates reside shall be the chief prosecutor upon receipt of a written request from the registry and shall prosecute any violator under this chapter or KRS Chapter 121A. In the event he fails or refuses to prosecute a violator, upon written request from the registry, the Attorney General shall appoint a special prosecutor with full authority to carry out the provisions of this section.
  - (7) Any officeholder who knowingly violates the provisions of KRS 121.150(12) shall, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
  - (8) Any Governor or any gubernatorial appointee who knowingly appoints, approves the appointment, or participates in the appointing of any person to any appointive state office or position in violation of KRS 121.056(1) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
  - (9) Any person who knowingly receives an appointment to any appointive state office or position in violation of KRS 121.056(1) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant, forfeit all benefits which he would have been entitled to receive, and shall be ineligible to receive an appointment to a state office or position for a period of five (5) years from the date of a final judicial determination of guilt.
  - (10) Any elected or appointed state officeholder who knowingly awards or participates in the awarding of a contract with the Commonwealth of Kentucky to a person or entity in violation of KRS 121.056(2) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
  - (11) Any person or entity who knowingly receives a contract with the Commonwealth of Kentucky in violation of KRS 121.056(2) shall be guilty of a Class D felony. Upon conviction, the contract shall be canceled, and the person or entity convicted shall be ineligible to receive a contract with the Commonwealth of Kentucky for a period of five (5) years from the date of a final judicial determination of guilt.

- (12) Any person who knowingly violates any of the provisions of KRS 121.056(3) shall be guilty of a Class D felony.
- (13) Any person who knowingly fails to pay a civil penalty, assessed by the registry or a judicial panel pursuant to KRS 121.140 for violation of campaign finance laws, shall be disqualified from filing for public office until such penalty is paid or the registry rules that settlement has otherwise been made.
- (14) Any elected official who knowingly awards or participates in the awarding of a nonbid contract or whose appointee knowingly awards or participates in the awarding of a nonbid contract in violation of KRS 121.330(1) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (15) Any entity who knowingly receives a nonbid contract with a governing authority in violation of KRS 121.330(2) shall be guilty of a Class D felony. Upon conviction, the nonbid contract shall be canceled, and the entity convicted shall be ineligible to receive a nonbid contract with a governing authority for a period of five (5) years from the date of final judicial determination of guilt.
- (16) Any elected official who knowingly awards or participates in awarding of a nonbid contract, lease, or appointment to an office or board or whose appointee knowingly awards or participates in the awarding of a nonbid contract, lease, or appointment to an office or board in violation of KRS 121.330(3) shall be guilty of a Class D felony and, upon a final judicial determination of guilt, have his office declared vacant and shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (17)
  - (a) Any fundraiser who knowingly receives a nonbid contract, lease, or appointment to an office or board or any entity in which he has an interest who knowingly receives a nonbid contract or lease in violation of KRS 121.330(4) shall be guilty of a Class D felony;
  - (b) Any immediate family member, employer, or employee of a fundraiser who knowingly receives a nonbid contract, lease, or appointment to an office or board in violation of KRS 121.330(4) shall be guilty of a Class D felony; and
  - (c) Upon conviction, the nonbid contract, lease, or appointment shall be canceled, and the person or entity convicted shall be ineligible to receive a nonbid contract, lease, or appointment with a governing authority for a period of five (5) years from the date of a final judicial determination of guilt.
- (18) Any appointed or elected state office holder or any other person who knowingly violates the provisions of KRS 121.120(5) shall be guilty of a Class D felony. In the event a candidate has assumed office, upon a final judicial determination of guilt, his office shall be declared vacant and he shall forfeit all benefits which he would have been entitled to receive had he continued to serve.
- (19) Any person who knowingly violates the provisions of KRS 121.065(1) shall be guilty of a Class A misdemeanor.



**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 153, sec. 9, effective July 15, 1996. — Repealed and reenacted by 1994 Ky. Acts. ch. 279, sec. 1, effective July 15, 1994; and amended ch. 458, sec. 14, effective July 15, 1994. — Amended 1992 Ky. Acts ch. 288, sec. 30, effective July 14, 1992; and ch. 463, sec. 14, effective July 14, 1992. — Amended 1988 Ky. Acts ch. 118, sec. 3, effective 1991; and ch. 341, sec. 48, effective July 15, 1988. — Amended 1986 Ky. Acts ch. 100, sec. 10, effective July 15, 1986; and ch. 168, sec. 2, effective July 15, 1986. — Amended 1980 Ky. Acts ch. 292, sec. 12, effective July 15, 1980. — Created 1974 Ky. Acts ch. 130, secs. 195 and 196.

**Legislative Research Commission Note** (7/14/92). This section was amended by 1992 Ky. Acts ch. 288, sec. 30, and ch. 463, sec. 14, which appear to be in conflict. Those changes made by ch. 463 which are purely technical to standardize penalties into Penal Code format, are revisory in nature, and the substantive changes made by ch. 288 prevail by virtue of KRS 7.123(1). Otherwise, the changes of ch. 463 control pursuant to KRS 446.250.

**Legislative Research Commission Note** (7/15/94). This section was amended by 1994 Ky. Acts ch. 458 and repealed and reenacted by 1994 Ky. Acts ch. 279. These Acts do not appear to be in conflict and have been codified together.